

## STATEMENT OF FACTS

[REDACTED]

[REDACTED] I have been employed as a Special Agent since April 2010. In my duties as a Special Agent, I investigate federal violations related to national security, to include matters of international and domestic terrorism. Currently, I am tasked with investigating criminal activity in and around the Capitol grounds on January 6, 2021. As a Special Agent, I am authorized by law or by a Government agency to engage in or supervise the prevention, detection, investigation, or prosecution of a violation of Federal criminal laws.

The U.S. Capitol is secured 24 hours a day by U.S. Capitol Police. Restrictions around the U.S. Capitol include permanent and temporary security barriers and posts manned by U.S. Capitol Police. Only authorized people with appropriate identification were allowed access inside the U.S. Capitol. On January 6, 2021, the exterior plaza of the U.S. Capitol was also closed to members of the public.

On January 6, 2021, a joint session of the United States Congress convened at the United States Capitol, which is located at First Street, SE, in Washington, D.C. During the joint session, elected members of the United States House of Representatives and the United States Senate were meeting in separate chambers of the United States Capitol to certify the vote count of the Electoral College of the 2020 Presidential Election, which had taken place on November 3, 2020. The joint session began at approximately 1:00 p.m. Shortly thereafter, by approximately 1:30 p.m., the House and Senate adjourned to separate chambers to resolve a particular objection. Vice President Mike Pence was present and presiding, first in the joint session, and then in the Senate chamber.

As the proceedings continued in both the House and the Senate, and with Vice President Mike Pence present and presiding over the Senate, a large crowd gathered outside the U.S. Capitol. As noted above, temporary and permanent barricades were in place around the exterior of the U.S. Capitol building, and U.S. Capitol Police were present and attempting to keep the crowd away from the Capitol building and the proceedings underway inside.

At such time, the certification proceedings were still underway and the exterior doors and windows of the U.S. Capitol were locked or otherwise secured. Members of the U.S. Capitol Police attempted to maintain order and keep the crowd from entering the Capitol; however, around 2:00 p.m., individuals in the crowd forced entry into the U.S. Capitol, including by breaking windows and by assaulting members of the U.S. Capitol Police, as others in the crowd encouraged and assisted those acts.

Shortly thereafter, at approximately 2:20 p.m. members of the United States House of Representatives and United States Senate, including the President of the Senate, Vice President Mike Pence, were instructed to—and did—evacuate the chambers. Accordingly, the joint session of the United States Congress was effectively suspended until shortly after 8:00 p.m. Vice President Pence remained in the United States Capitol from the time he was evacuated from the Senate Chamber until the sessions resumed.

During national news coverage of the aforementioned events, video footage which appeared to be captured on mobile devices of persons present on the scene depicted evidence of violations of local and federal law, including scores of individuals inside the U.S. Capitol building without authority to be there.

### FACTS SPECIFIC TO HAMILTON

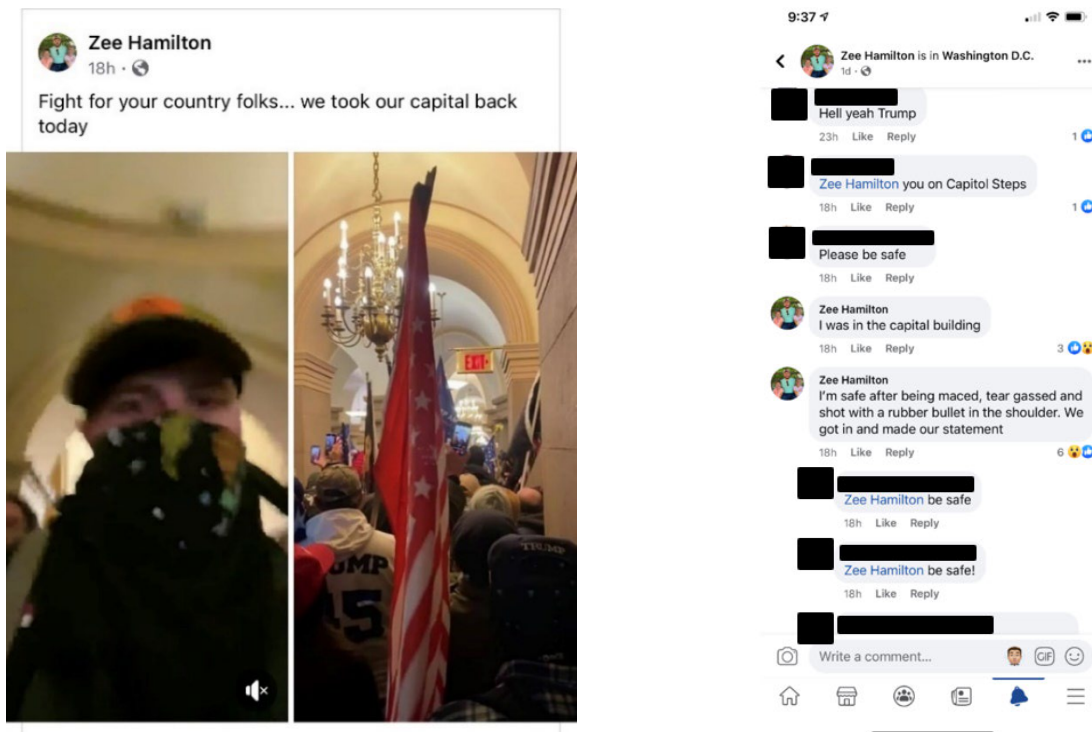
On January 9, 2021, a tip submitted to the FBI alleged that Facebook user “Zee Hamilton” was inside the U.S. Capitol on January 6, 2021. Based on information obtained through the public Facebook account of “Zee Hamilton,” further investigation identified the individual “Zee Hamilton” to be ZYLAS HAMILTON, from Chattanooga, Tennessee.

The tip contained a screenshot of a Facebook thread between HAMILTON and a Facebook user in which HAMILTON makes comments about his participation in the riots at the U.S. Capitol on January 6, 2021. (See **Image 1**.) HAMILTON wrote, “I was in the capital building.” He also wrote, “I’m safe after being maced, tear gassed and shot with a rubber bullet in the shoulder. We got in and made our statement.” When another Facebook user asked HAMILTON, “why’d they gas u and stuff!?!” he responded, “because we rushed them.”



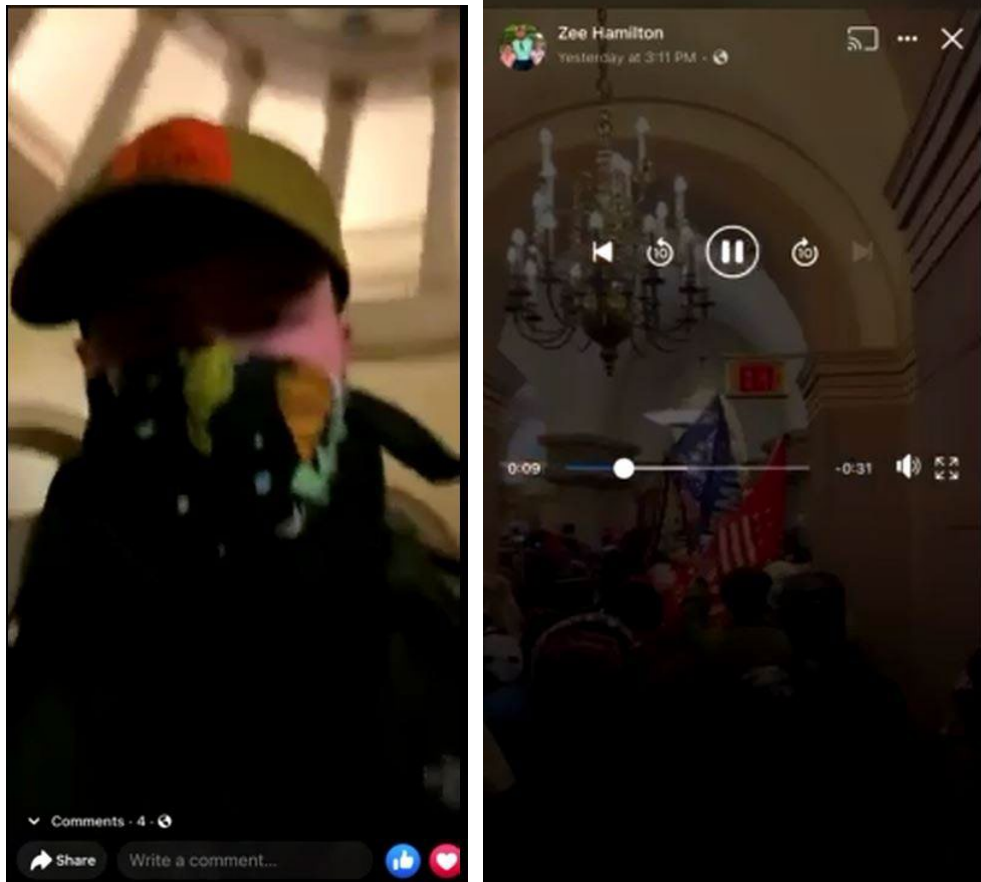
**Image 1**

HAMILTON also posted a photo of himself inside the Capitol with the caption, “Fight for your country folks...we took our capital back today” (**Image 2**) as well as another post stating he was in the “capital building” (**Image 3**).



**Images 2 and 3**

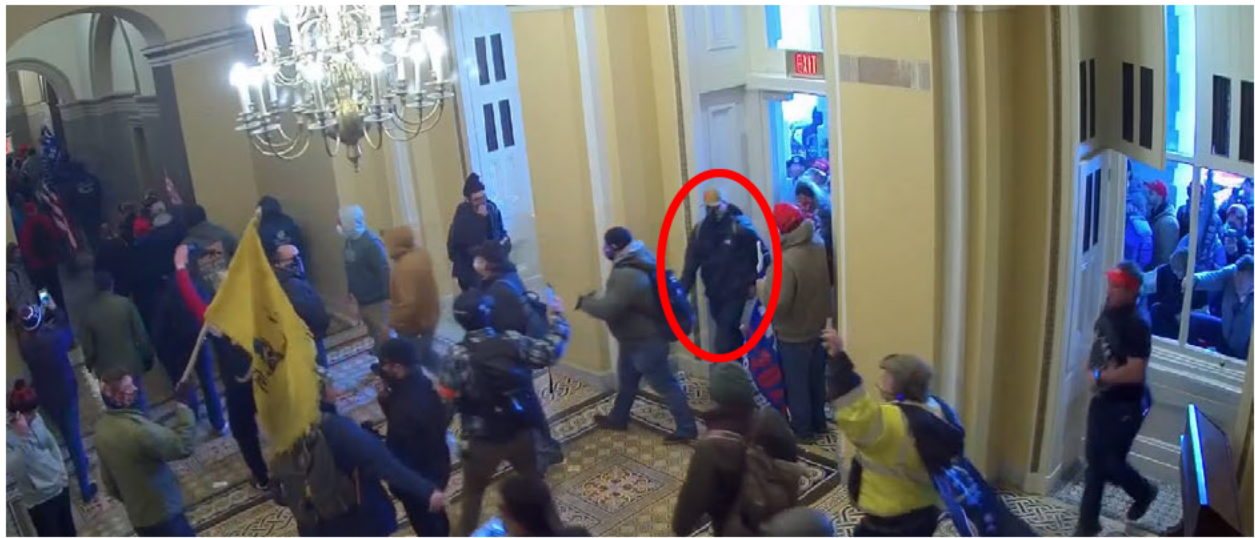
HAMILTON also filmed Facebook Live video footage of himself inside the U.S. Capitol on January 6, 2021, but later removed the footage from his Facebook profile. An identified complainant observed the video, captured the footage prior to it being deleted from Facebook, and provided it to the FBI. The footage shows the crowds moving through the U.S. Capitol building in front of the individual filming. The individual filming then turns the camera around to film himself. It shows HAMILTON, who is wearing a mask over his nose and mouth and a green hat with an orange logo. Screenshots from the video are below. **(Images 4 and 5).**



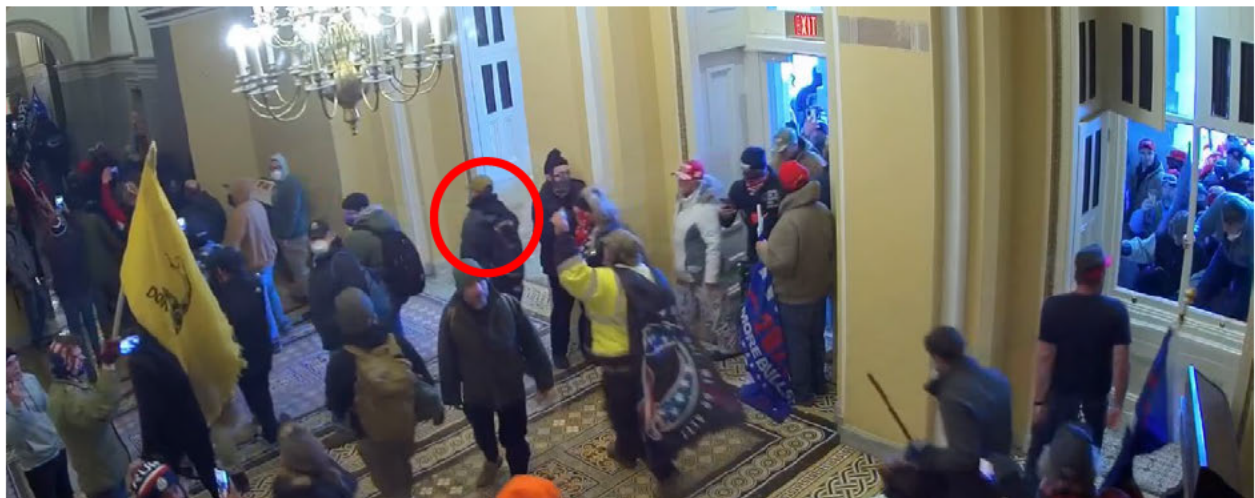
(Images 4 and 5)

According to records obtained through a search warrant served on AT&T, the cellphone associated with (\*\*\*) \*\*\*-3256 was identified as having utilized a cell site consistent with providing service to the geographical area that includes the interior of the Capitol building on January 6, 2021. AT&T records show this telephone number as being associated with HAMILTON.

Additionally, Capitol CCTV videos show HAMILTON at various locations inside the U.S. Capitol on January 6, 2021. The CCTV videos and screen captures show HAMILTON entering the Capitol at approximately 2:22 p.m. through the Senate Wing Doors and proceeding to the Crypt. (Images 6, 7, and 8).



**Image 6**



**Image 7**



**Image 8**

HAMILTON exited by climbing through a window adjacent to the Senate Wing doors at approximately 2:36 p.m. (Images 9 and 10).

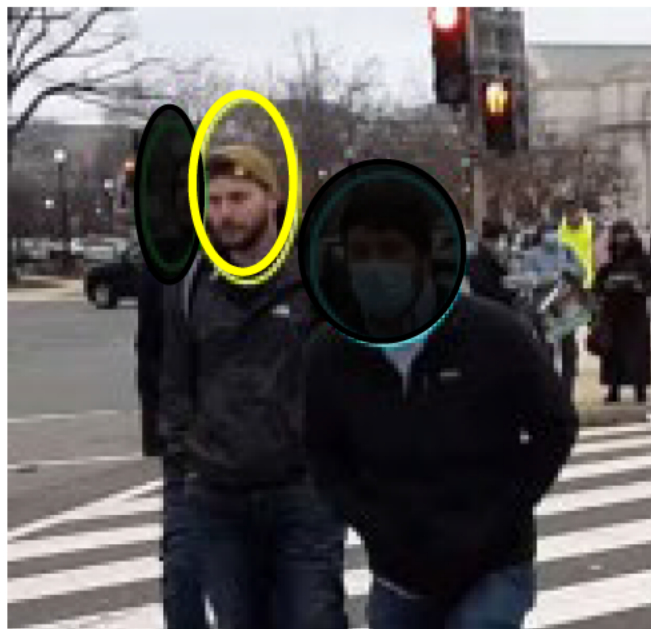


**Image 9**



**Image 10**

Publicly available, open-source videos also depict HAMILTON outside the U.S. Capitol on January 6, 2021. I interviewed an individual who is both a Facebook friend of HAMILTON and who has known HAMILTON personally for years. I showed the individual the four images below (**Images 11 through 14**), which depict HAMILTON outside the U.S. Capitol on January 6, 2021. The individual positively identified the person circled in yellow in each of the four photographs as HAMILTON.



**Image 11**



Image 12

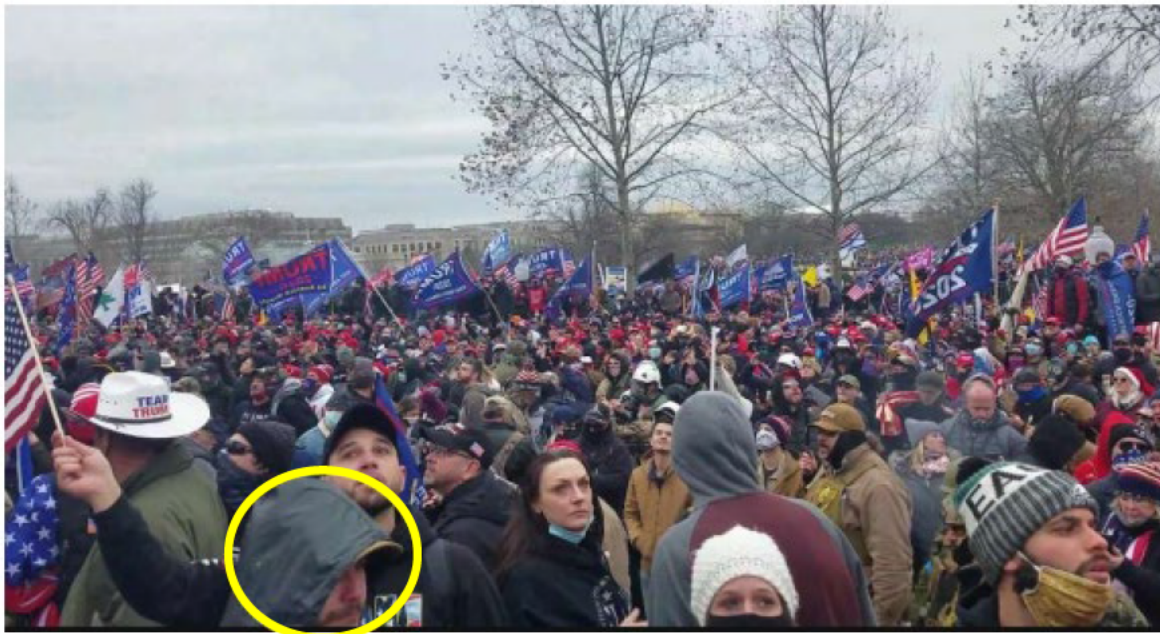


Image 13





**Image 14**

Based on my training and experience as an FBI agent, and based on my review of the available photographic and video evidence, I assess that the person identified as HAMILTON in the photographs and videos taken outside the U.S. Capitol is the same person shown in the CCTV images and Facebook Live video inside the U.S. Capitol. Images captured by CCTV video and photographs of HAMILTON inside the U.S. Capitol show him in identical clothing and hat to the identified images of HAMILTON outside of the Capitol, and HAMILTON's physical features and appearance are consistent across the images.

Records obtained from Facebook revealed additional information showing that Hamilton participated in the riot on January 6, 2021. On or about January 6, 2021, the day the riot occurred, HAMILTON had the following Facebook conversation with "A.J.C.":

- A.J.C.: Keep fighting! Proud of you for standing up for all of us!
- HAMILTON: Thank you!

On or about January 6, 2021, HAMILTON had the following Facebook conversation with "C.C.":

- C.C.: Remove your posts
- HAMILTON: Why?
- C.C.: Cause they can find you
- HAMILTON: If
- HAMILTON: Idc
- C.C.: I'm telling you they will proolly prosecute you
- C.C.: They are saying 20 years Z what if that happens. This country us not worth it Son the way things are now days. We are in the last days Jesus will take care of us

- HAMILTON: I'll die or do 20 years before my kids grow up in the country these people are trying to creat
- C.C.: I understand that
- C.C.: Hey if anyone contacts you picks you up or anything dont say a word accept that you want your
- C.C: I think I hes gonna call
- HAMILTON: Ok thank you
- C.C.: Your welcome

In a Facebook post responding to multiple commenters on or about January 7, 2021, the day following January 6, 2021 riot or shortly thereafter, HAMILTON posted the following comments:

- “I was there to. Upfront at the scaffolding. They shot at random times for no reason. I was shot and I was just standing still minding my business watching everything unfold”,
- “No.... we showed America that it doesn’t have to deal with a treasonous government. Stand up for what you believe in man. It’s important. Just don’t do it to a mf like me in person”
- “it’s actually working out really great. It allows people like you to shit on this country with your “opinion” and not get hung up for treason.”

On or about January 8, 2021, HAMILTON had the following Facebook conversation with “H.C.”:

- H.C.: You was in D.C when all this shit happen right?
- HAMILTON: Yes
- H.C.: Was it trump supporters who destroyed the capital? Or someone else that made it look like them?
- HAMILTON: Both
- HAMILTON: But honestly... a window was broken. We could have burnt that place to the ground
- H.C.: My retarded ass sister thinks it was allll trump supporters and that he had it planned to destroy the capital so he could stay.
- HAMILTON: Neh... that storm of the Capitol was about the bs that conservatives have put up with for 4 fucking years...
- HAMILTON: He didn’t promote the violence or condone it. We made that decision ourselves

On or about January 8, 2021, and January 9, 2021, HAMILTON had the following Facebook conversation with “K.C.F.”:

- K.C.F.: Did u get in trouble for being there

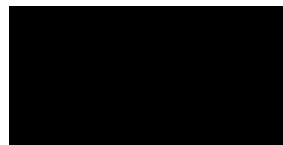
- HAMILTON: Not yet
- K.C.F.: Moma said that's why u deleted that video cuz they were getting ppl. I don't watch the news so I didn't know. Lol. Maybe u won't.
- HAMILTON: Not unless somebody tells on me
- K.C.F.: Surely they won't.
- HAMILTON: We'll see lol

On or about January 12, 2021, HAMILTON had the following conversation with "S.W." on Facebook:

- S.W.: Hey... Just checking in on you. I hope you deleted those videos from the 6th.
- HAMILTON: I did awhile back
- HAMILTON: Everything is ok. Just waiting on the feds to come get me
- S.W.: Did you have your face covered the whole time?

Based on the foregoing, your affiant submits that there is probable cause to believe that ZYLAS HAMILTON violated 18 U.S.C. § 1752(a)(1) and (2), which makes it a crime to (1) knowingly enter or remain in any restricted building or grounds without lawful authority to do; and (2) knowingly, and with intent to impede or disrupt the orderly conduct of Government business or official functions, engage in disorderly or disruptive conduct in, or within such proximity to, any restricted building or grounds when, or so that, such conduct, in fact, impedes or disrupts the orderly conduct of Government business or official functions; or attempts or conspires to do so. For purposes of Section 1752 of Title 18, a "restricted building" includes a posted, cordoned off, or otherwise restricted area of a building or grounds where the President or other person protected by the Secret Service, including the Vice President, is or will be temporarily visiting; or any building or grounds so restricted in conjunction with an event designated as a special event of national significance.

Your affiant submits there is also probable cause to believe that ZYLAS HAMILTON violated 40 U.S.C. § 5104(e)(2)(D) and (G), which makes it a crime to willfully and knowingly (D) utter loud, threatening, or abusive language, or engage in disorderly or disruptive conduct, at any place in the Grounds or in any of the Capitol Buildings with the intent to impede, disrupt, or disturb the orderly conduct of a session of Congress or either House of Congress, or the orderly conduct in that building of a hearing before, or any deliberations of, a committee of Congress or either House of Congress; and (G) parade, demonstrate, or picket in any of the Capitol Buildings.



Special Agent  
Federal Bureau of Investigation

Attested to by the applicant in accordance with the requirements of Fed. R. Crim. P. 4.1 by telephone, this 10<sup>th</sup> day of January 2024.

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ROBIN M. MERIWEATHER  
U.S. MAGISTRATE JUDGE